

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

DANIEL JIMENEZ, JR.,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. CIV-25-221-J
	)	
FNU SWANY,	)	
	)	
Respondent.	)	

**ORDER**

Petitioner, federal inmate appearing pro se, filed a habeas petition alleging federal officials denied him placement in a half-way house. [Doc. No. 1]. The matter was referred for initial proceedings to United States Magistrate Judge Suzanne Mitchell consistent with 28 U.S.C. § 636(b)(1)(B), (C). Noting deficiencies, Judge Mitchell ordered Petitioner to submit his petition on the proper form and to either pay the filing fee or seek leave to proceed in forma pauperis no later than March 17, 2025. [Doc. No. 4]. Petitioner was warned that failure to comply “may result in the dismissal of this action.” *Id.* Petitioner failed to cure either deficiency, and Judge Mitchell has issued a Report and Recommendation recommending the action be dismissed without prejudice. [Doc. No. 5]. Petitioner did not object by the April 15, 2025 deadline and has therefore waived any right to appellate review of the factual and legal issues in the Report and Recommendation. *See Griffith v. El Paso Cnty., Colorado*, 129 F.4th 790, 805 (10th Cir. 2025).

Because Petitioner has failed to comply with the Court’s orders, the Court ADOPTS the Report and Recommendation [Doc. No. 5] and DISMISSES Petitioner’s habeas petition [Doc. No. 1] without prejudice.

The Court also DENIES a certificate of appealability (COA), to the extent necessary, as the failure to prosecute this case is not reasonably debatable. *See Slack v. McDaniel*, 529 U.S.

473, 484 (2000) (holding that a COA only issues in habeas matters dismissed on procedural grounds where “reasonable jurists would find it debatable whether the district court was correct in its procedural ruling”); *Herrington v. Geary*, No. 22-1257, 2023 WL 2662910, at \*3-4 (10th Cir. Mar. 28, 2023) (declining to issue a COA after district court dismissed a habeas filing for failure to cure deficiencies).

A separate judgment will issue.

IT IS SO ORDERED this 25<sup>th</sup> day of April, 2025.



BERNARD M. JONES  
UNITED STATES DISTRICT JUDGE